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20457	7590	10/19/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/404,654

Applicant(s)

MULLER ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 17, 22, 39, 60, 67, 68 and 71-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39, 60, 83-106, 108, 109, 111, 112 and 114-119 is/are allowed.
- 6) ☒ Claim(s) 13, 17, 22, 67, 68, 71-82, 107, 110 and 113 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 17.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 67 and 71 - 73 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

The scope of claims 67 and 71 - 73 in the instant application is encompassed by the limitations of claim 26 of the patent.

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3. Claims 68 and 74 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claims 68 and 74 of the instant application, claim 26 of the patent is silent on the control message has a payload including a first parameter specifying the first period of time after variation.

Claim 8 of the patent teaches the control message has a payload including a first parameter specifying the first period of time after variation (claim 8: col. 12 lines 27-30).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by varying the time between groups of messages. This modification can be performed by inserting within the control message the time period until the next group of messages. This would improve the system by providing for a method of maintaining synchronization when the time period between groups of messages is variable.

4. Claims 75 and 76 are rejected under the judicially created

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doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 75 of the instant application, claim 26 of the patent is silent on the variation in the sequence of intermittent messages varies the time of transmission of a following message in a following group.

Claim 9 of the patent teaches the variation in the sequence of intermittent messages varies the time of transmission of a following message in a following group (claim 9: col. 12 lines 30-37).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by varying the time between groups of messages. This modification can be performed by inserting within the control information the time period until the next group of messages. This would improve the system by providing for a method of maintaining synchronization when the time period between groups of messages is variable.

Regarding claim 76, the following group is the next group

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(first group, next second group, claim 26: col. 16 lines 31 - 36).

5. Claim 77 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 77 of the instant application, Muller claim 26 is silent on the messages are broadcasted messages.

Claim 11 of the patent teaches the messages are broadcasted messages (claim 11: col. 12 lines 39-40).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by inserting a bit within the control message to indicate that the message is a broadcast message. This would improve the system by providing a method for the transmitter to inform all the receivers of a change in a single message.

6. Claims 78 and 79 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6 and 26 of U.S. Patent No. (US

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6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 78 of the instant application, Muller claim 26 is silent on the control means is arranged to vary the sequence of intermittent messages by varying the first time period between the transmission of a first group of messages and a second successive group of message by an amount such that the time of transmission of a first message in the second group after the time variation would have coincided with the expected time of transmission of a second message in the second group in the absence of the time variation.

Claim 6 of the patent teaches the control means is arranged to vary the sequence of intermittent messages by varying the first time period between the transmission of a first group of messages and a second successive group of message by an amount such that the time of transmission of a first message in the second group after the time variation would have coincided with the expected time of transmission of a second message in the second group in the absence of the time variation (claim 6: col. 12 lines 17--23).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by

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upgrading the transmitters to have the ability to vary the time of transmission of successive groups of control messages so there is a coincidence between the expected time of arrival and the actual time of arrival of the messages. This modification can be performed in software. This would improve the system by providing improving the synchronization between the receivers and transmitter.

Regarding claim 79, wherein for the first and second groups, said series of messages within each of said pair of groups are separated by equal second time periods (claim 26: predetermined first time interval, col. 16 lines 4-5, predetermined second time interval, col. 16 lines 13-15).

7. Claim 82 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 82 of the instant application, Muller claim 26 is silent on the transmitter is arranged to transmit a wake up- message for waking the at least one receiver from Park Mode to receive a page message at a subsequent time wherein the wake-

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up message is one of the intermittent sequence of messages.

Claim 19 of the patent teaches the transmitter is arranged to transmit (col. 12 line 50) a wake-up message for waking the at least one receiver from Park Mode (periodically enables, col. 12 lines 62-64) to receive a page message (one message in each group, col. 12 lines 62-64) at a subsequent time wherein the wake-up message is one of the intermittent sequence of messages (control means, col. 11 lines 63-64, col. 12 lines 62-64).

Regarding the 'Park Mode', the examiner maintains that if the receiver had to be 'enabled' then it was in a 'Park Mode' before being enabled.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by modifying the control messages to include a bit sequence to wake up the receiver. This modification can be performed in software. This would improve the system by allowing for both power conservation and the ability to wake up the receiver.

8. Claims 107 and 110 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other

Regarding claim 107 of the instant application, Muller claim 26 is silent on a computer / computing device comprising a transmitter as claimed in claim 71.

Claim 17 of the patent teaches a computer / computing device comprising a transmitter as claimed in claim 71 (claim 17: mobile phone, col. 13 lines 1-2). Note, the examiner maintains a mobile phone is a computer / computing device.

Regarding claim 110 of the instant application, Muller claim 26 is silent on a mobile telephone comprising a transmitter as claimed in claim 71.

Claim 17 of the patent teaches a mobile telephone comprising a transmitter as claimed in claim 71 (claim 17: col. 13 lines 1-2).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by having the mobile and base station transmit the same control messages. This modification can be performed in software. This would improve the system by providing a method for the base station to synchronize with the receiver as well as the receiver to synchronize with the base station.

9. Claim 113 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 and 26 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 113 of the instant application, Muller claim 26 is silent on an accessory for a mobile telephone comprising a transmitter as claimed in claim 71.

Claim 18 of the patent teaches an accessory for a mobile telephone comprising a transmitter as claimed in claim 71 (claim 18: col. 13 lines 3-4).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by having the mobile and base station transmit the same control messages. This modification can be performed in software. This would improve the system by providing a method for the base station to synchronize with the receiver as well as the receiver to synchronize with the base station.

10. Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 and 25 of U.S. Patent No. (US 6,639,905) 'Muller'.

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Although the conflicting claims are not identical, they are not patentably distinct from each other.

Muller, claim 25, is silent on the control information identifies the messages as broadcasted messages.

Claim 11 of the patent teaches the control information identifies the messages as broadcasted messages.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 25 by inserting a bit within the control message to indicate that the message is a broadcast message. This would improve the system by providing a method for the transmitter to inform all the receivers of a change in a single message.

11. Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 and 25 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Muller claim 25 is silent on an accessory for a mobile communications device.

Claim 18 of the patent teaches an accessory for a mobile

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communications device.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by having the mobile and base station transmit the same control messages. This modification can be performed in software. This would improve the system by providing a method for the base station to synchronize with the receiver as well as the receiver to synchronize with the base station.

12. Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6 and 25 of U.S. Patent No. (US 6,639,905) 'Muller'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Muller, claim 25 is silent on the control means is arranged to vary the time between the transmission of a pair of successive groups of messages by an amount such that there is coincidence between the time of transmission of a message in the following group of the pair and the expected time of transmission, in the absence of a variation, of a message in the following group.

Claim 6 of the patent teaches the control means is arranged

to vary the time between the transmission of a pair of successive groups of messages by an amount such that there is coincidence between the time of transmission of a message in the following group of the pair and the expected time of transmission, in the absence of a variation, of a message in the following group (claim 6: col. 12 lines 17-23).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 25 by the transmitter transmitting in the current message to the receiver the expected time of transmission of the message in the following group. Then the transmitter would transmit a message in the following group of the pair at the expected time of transmission. This would improve the system by making it easier for the receiver to synchronize with the transmitter since the receiver will know when to expect the next control message.

13. Claims 80 and 81 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 26 of U.S. Patent No. 6,639,905 in view of Hashimoto (US 5,550,992).

Regarding claim 80, claim 26 is silent on the messages comprise control messages and data messages having a payload

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containing data that do not vary the sequence of intermittent messages.

Hashimoto teaches messages (fig. 7, col. 7 lines 18-21) comprise control messages (control signal frames, col. 7 lines 18-21) and data messages (communication data signal frames, col. 7 lines 18-21) having a payload containing data that do not vary the sequence of intermittent messages. As shown above, the examiner corresponds the messages of the applicant with the sequence of time slots in Hashimoto. Note, Hashimoto does not make any reference to the communication data signal frames varying the sequence of the messages.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Muller claim 26 by transmitting data along with the control messages. This modification can be performed in software. This would improve the system by providing a method for transmitting both data and control information in one message.

Regarding claim 81, each group of messages including a control message, only contains control messages (Muller: claim 26: col. 16 lines 6-11 and 16-23). Note, in the passages provided, Muller makes no reference to any other messages other than control messages.

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Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 13, 22, 67, 71-73, 75-77, and 107 are rejected under 35 U.S.C. 102(e) as being anticipated by Blanchette (US 6,094,429).

Regarding claims 13 and 22, Blanchette teaches a transmitter (fig. 1 antenna 102) for transmitting an intermittent sequence of messages (fig. 3 box 306, col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame) to maintain synchronization between the transmitter and at least one receiver (fig. 4 box 402, 404, col. 5 lines 6-9).

Blanchette teaches a control means (fig. 3 box 300, col. 3 lines 52-54) to provide messages for transmission (fig 3 box

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306, DCAP, col. 4 lines 51-54), each of said messages forming part of a sequence of messages (col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame) and comprising control information for effecting synchronization (col. 5 lines 6-9), including timing information (fig. 4 box 404, time slot number, col. 5 lines 6-9, defines the beginning of the next packet data frame, col. 4 lines 58-63); wherein said timing information is dependent upon the transmission of a following message in the sequence occurs (defines the beginning of the next packet data frame, col. 4 lines 58-63).

Blanchette teaches the transmission means (fig. 1 antenna 102), responsive to said control means (fig. 3 box 300), for transmitting each of said messages. Note, the antenna transmits the data according to the structure of the frame as shown in fig. 3.

Blanchette teaches the control information identifies the messages as broadcasted messages (fig. 5 box 406, channel definition field, col. 5 lines 9-14). Note, in the passage shown, the channel definition field informs all the mobiles of the allocation profile of the packet channel in the next frame.

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Therefore the examiner maintains that the channel definition field identifies the message as a broadcasted message.

Regarding claims 67 and 71, Blanchette teaches a transmitter (fig. 1 antenna 102) for transmitting a sequence of intermittent messages (fig. 3 box 306, col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame) to maintain synchronization between the transmitter and at least one receiver (fig. 4 box 402, 404, col. 5 lines 6-9), wherein said sequence of intermittent messages are in groups of messages (col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame), each group being separated from the next group by a first period interval of time (24 slots, col. 4 lines 38-43), each of the plurality of messages in a group being separated from an adjacent message in that group by a second interval of time (interleave-3, 8 time slots, col. 4 lines 38-43: note in the passage selected the second interval is eight time slots).

Blanchette teaches a control means (fig. 3 box 300, col. 3 lines 52-54) to provide control messages (fig. 3 box 306, col. 4 lines 51-54) which inform the at least one receiver of a

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variation in said sequence of intermittent messages (fig. 4 box 404, 410, col. 5 lines 6-9, 22-28), each of said control messages forming part of said sequence of intermittent messages (col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame) and including control information for effecting synchronization after said variation (col. 5 lines 6-9), including parameters for informing variation in any one or more of the first interval of time, the second interval of time and the number of messages in a group. The examiner corresponds the applicant's first interval of time with the time to the next occurring packet data frame (col. 5 lines 22-28).

Blanchette teaches the transmission means (fig. 1 antenna 102), responsive to said control means (fig. 3 box 300), for transmitting each of said messages. Note, the antenna transmits the data according to the structure of the frame as shown in fig. 3.

Regarding claim 71, in addition to the limitations previously addressed, an intermittent sequence of messages each of which is capable of synchronizing a clock in a receiver to a clock in the transmitter (col. 5 lines 6-9).

Regarding claim 72, Blanchette teaches a transmitter (fig. 1 antenna 102) for transmitting a sequence of intermittent messages (fig. 3 box 306) to maintain synchronization between the transmitter and at least one receiver (fig. 4 box 402, 404, col. 5 lines 6-9), wherein said sequence of intermittent messages are in groups of messages (col. 4 lines 38-43: note with a frame size of 24 slots and a seed channel of interleave-3, there are 3 DCAP slots per frame), each group being separated from the next group by a first period interval of time (24 slots, col. 4 lines 38-43), each of the plurality of messages in a group being separated from an adjacent message in that group by a second interval of time (interleave-3, 8 time slots, col. 4 lines 38-43: note in the passage selected the second interval is eight time slots).

Blanchette teaches a control means (fig. 3 box 300, col. 3 lines 52-54) to provide control messages (fig. 3 box 306, col. 4 lines 51-54) which inform the at least one receiver of a variation in said sequence of intermittent messages (fig. 4 box 404, 410, col. 5 lines 6-9, 22-28), each of said control messages forming part of said sequence of intermittent messages and including control information for effecting synchronization after said variation (col. 5 lines 6-9), including parameters

for informing variation in any one or more of the first interval of time, the second interval of time and the number of messages in a group. The examiner corresponds the applicant's first interval of time with the time to the next occurring packet data frame (col. 5 lines 22-28).

Blanchette teaches the transmission means (fig. 1 antenna 102), responsive to said control means (fig. 3 box 300), for transmitting each of said messages. Note, the antenna transmits the data according to the structure of the frame as shown in fig. 3.

Blanchette teaches a control message has a payload including a first parameter specifying the first period of time after variation (fig. 4 box 404, 410, col. 5 lines 6-9, 22-28).

Blanchette teaches when there is a variation in the sequence of messages, the control information is provided in each of the sequential messages of one group (fig. 4 box 412, col. 5 lines 28-32).

Regarding claim 73, wherein the one group directly precedes the variation in the sequence of messages (fig. 4 box 412, next DCAP slot, col. 5 lines 28-32)

Regarding claim 75, the variation in the sequence of

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intermittent messages varies the time of transmission of a following message in a following group (fig. 3 box 306, next DCAP slot, col. 5 lines 28-30).

Regarding claim 76, the following group is the next group fig. 3 box 306, next DCAP slot, col. 5 lines 28-30).

Regarding claim 77, the messages are broadcast messages (fig. 5 box 406, channel definition field, col. 5 lines 9-14). Note, in the passage shown, the channel definition field informs all the mobiles of the allocation profile of the packet channel in the next frame. Therefore the examiner maintains that the channel definition field identifies the message as a broadcasted message.

Regarding claim 107, a computer comprising a transmitter (fig. 1 box 102). The examiner maintains that a base station is a computing device.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchette as applied to claim 71 above, and further in view of Wright.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Regarding claim 82, Blanchette is silent on the transmitter arranged to transmit a wake-up message for waking the at least one receiver from Park Mode to receive a page message at a

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subsequent time wherein the wake-up message is one of the intermittent sequence of messages, in the absence of a variation, of a message in the following group.

Wright teaches the transmitter arranged to transmit a wake-up message for waking the at least one receiver from Park Mode to receive a page message at a subsequent time wherein the wake-up message (length of time device stays energized, STC, col. 4 lines 61-68). The examiner corresponds the applicant's waking up the receiver with Wright energizing the receiver.

Therefore it would have been obvious to one of ordinary skill in the art, having both Blanchette and Wright before him/her and with the teachings [a] as shown by Blanchette, a transmitter for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver, and [b] as shown by Wright, the transmitter arranged to transmit a wake-up message for waking the at least one receiver from Park Mode to receive a page message at a subsequent time wherein the wake-up message, to be motivated to modify the system of Blanchette by transmitting wake-up messages to the receivers in the DCAP slot. This modification can be performed in software. This would improve the system by allowing the receivers to enter an inactive state and thus save on battery power.

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Allowable Subject Matter

18. Claims 39, 60, 83 - 106, 108, 109, 111, 112, and 114-119 are allowed.

The following is a statement of reasons for the indication of allowable subject matter.

Regarding claims 39 and 60, nothing in the prior art of the record teaches or fairly suggests the expected time of arrival of a message used for clock synchronization is provided by timing information in a preceding received message, in combination with all the limitations listed in the claims.

Regarding claims 83, 85, 93, 94, 96, 104, 114, 115, 117, and 118, nothing in the prior art of reference teaches or fairly suggests the control means is arranged to disable said receiver and synchronization means for a period of time dependent upon the intermediate sequence, and any variation thereof. As stated previously, Muller does not claim the disabling of a receiver, therefore, regarding Muller, nothing in the prior art of

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reference teaches or fairly suggests the control means is arranged to disable said receiver and synchronization means for a period of time dependent upon the intermediate sequence, and any variation thereof.

Response to Arguments

19. Applicant's arguments with respect to claims 13, 22, 67, 71, 75-77, 82, and 107 (applicant: pg. 29 1st three paragraphs) have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that the rejections for the claims listed above in the prior office action are not appropriate. Therefore, an updated search was performed. The results of the search are presented in this office action.

20. Applicant's arguments, see pg. 36: 3rd paragraph, filed 1/28/2004, with respect to claims 83, 94, 114, and 117 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RA
Ronald Abelson
Examiner
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